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7 United States of America

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 UNITED STATES OF AMERICA,) Criminal Case No. 08CR0165BEN
11)
Plaintiff,)
12)
v.) STATUS REPORT
13)
AGUSTIN SOLTERO-FONSECA,)
14) Date: July 21, 2008
Defendant.) Time: 1:30 p.m.
15) Honorable: Barbara L. Major
16) Courtroom:

17 The UNITED STATES OF AMERICA, by and through its counsel, KAREN
18 P. HEWITT, United States Attorney, CALEB E. MASON, Assistant United
19 States Attorney, hereby files the following Status Report.
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1 On January 22, 2008, defendant Agustin Soltero-Fonseca
2 ("Defendant") was charged by Information with three counts alleging
3 violation of 8 U.S.C. § 1325.

4 On March 18, 2008, this Court found Defendant to be incompetent,
5 pursuant to a psychological evaluation. On July 15, 2008, the date
6 set for a competency hearing in this Court, Defendant's counsel
7 alleged that the government had not completed required further
8 evaluation of Defendant in a timely manner. This Court ordered
9 briefing on the issue.

10 On July 16, 2008, Defendant was indicted by a grand jury for the
11 Southern District of California. The indictment charged one count of
12 violation of 8 U.S.C. § 1326.

13 At Defendant's next appearance, Defendant will be arraigned on
14 the § 1326 indictment and the government will move to dismiss the §
15 1325 information. Accordingly, all claims arising out of the § 1325
16 charges are moot.

17 Respectfully submitted,

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19 KAREN P. HEWITT

20 United States Attorney

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22 /s/ Caleb E. Mason

23 Caleb E. Mason

24 Assistant U.S. Attorney
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